

Remarks

Claims 1-21 are currently under consideration. Claims 1-21 are elected for prosecution at this time.

Restriction Requirement

In response to a restriction requirement, the applicants elect Group II, namely

II) A method comprising administering an antiretroviral drug therapy comprising a reverse transcriptase inhibitor and a protease inhibitor until viral replication is effectively suppressed, and then administering a gene delivery complex comprising foreign genetic material and a non-viral vector, wherein the complex has a specific affinity for a receptor on an antigen presenting cell;

and further, the applicants response that the single species of reverse transcriptase inhibitor for initial search purposes should be ddI.

The Examiner has stated that Claims 1-13 and 17 are generic. The applicants submit that Claim 14 should also be classed as generic. Since the Examiner states that Claims 15, 16 and 18-21 are generic to a plurality of reverse transcriptase inhibitors, those Claims are also under consideration at the present time.

The Examiner has required that, if Group II is elected, a single protease inhibitor be elected for examination of Claims 18-21. The applicants respond that this should be Indinavir.

This restriction requirement is traversed. The inventors point out that, while the use of drug names may be convenient for the purposes of performing a pinpoint art search, it is axiomatic that whether a drug that has been approved for use in humans for a specific condition is unrelated to the question of patentability, either of the drug, its method of use, or its use in combination with another treatment, such as a vaccine. The Clams must be considered in their entirety. That is, all of the elements of the claim must be considered in combination. The applicants are prominent researchers who believe they are the first to suggest that their vaccine can be used to treat an existing viral infection, and define a way to do so. That is the invention that, in their view, should be examined.


Sequence Listing

The applicants enclose hard and electronic copies of the sequence listings on page 34, lines 18 and 20. The enclosed sequence listings are identical to those on page 34. No new matter has been added. These sequences are not claimed.

Information Disclosure Statement

A 6-page list of research articles discussed in the application is enclosed. Certain references have been difficult to locate. Copies of the Erbacher (page 2), Karlsson (page 4) and Sansone (page 5) have not yet been located. All of the references on page 6 are located in the parent case. For the Examiner's convenience, copies of the articles on pages 1-5 are submitted in .pdf format on disk, along with the sequence listing and related application, both in .doc format. Two such disks are enclosed.

Respectfully Submitted,


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